

REMARKS

With the foregoing amendment, claims 4-39 are now pending in the application. Claims 1-3 are canceled.

Claims 1 and 3 were rejected under the judicially created doctrine of double patenting over claim 1 of U.S. Patent No. 6,727,496 while claim 2 was rejected under the judicially created doctrine of double patenting over claim 5 of U.S. Patent No. 6,727,496. In response to the above rejections, the Applicants have canceled claims 1-3. Therefore, the double patenting rejections of claims 1-3 should be withdrawn.

Claims 1-3 were rejected under 35 U.S.C. §102(e) as being anticipated by Miller et al. (U.S. Patent No. 6,512,224). The §102 rejection should be withdrawn because the Applicants have canceled claims 1-3.

New independent claims 4 and 24 are supported at least on page 19, line 11 through page 20, line 16, Figure 10, and Figure 11 of the application as originally filed. Dependent claims 5-23 and 25-39 are supported throughout the application as originally filed. It is understood in the art that a field asymmetric waveform ion mobility spectrometer (FAIMS) is also known and referred to as a differential ion mobility spectrometer (DMS). No new matter is added by the amendment.

CONCLUSION

Applicants believe that no fee is required in connection with this submission. However, if any fees are due in connection with this submission, please charge our Deposit Account No. 18-1945, under Order No. SION-P02-006 from which the undersigned is authorized to draw.

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Respectfully submitted,

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